

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

NXIVM CORPORATION,

*Plaintiff,*

v.

RICK ROSS d/b/a THE ROSS INSTITUTE,  
MORRIS SUTTON, ROCHELLE SUTTON, and  
LOLLYTOGS, LTD.,

*Defendants.*

Civil No. 11-6288 (KSH) (CLW)

**Order**

It appearing that this action has been dismissed against all defendants except Rick Ross d/b/a The Ross Institute (“Ross”), and it appearing that plaintiff never effectuated service of process upon Ross (*see* D.E. 16, 21, 34; *see also* Civ. Action No. 06-1051, D.E. 601); and it appearing that plaintiff has not prosecuted the action for at least the past three years, though it was on notice of the risk of dismissal on that basis (*see* D.E. 56, 59, 60; *see also* Civ. Action No. 06-1051, D.E. 639),<sup>1</sup> and it appearing that dismissal for failure to prosecute is warranted,

IT IS, on this 4th day of March, 2020,

ORDERED that the complaint is dismissed with prejudice against Ross.

The Clerk of the Court is directed to close this case.

/s/ Katharine S. Hayden  
Katharine S. Hayden, U.S.D.J.

<sup>1</sup> The Court further notes that when directed in January 2017 in the related action to articulate all remaining claims (Civ. Action No. 06-1051, D.E. 647), plaintiff made no mention of the claims against Ross in this case (D.E. 651).